

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Performance Measures and Standards for	)	CC Docket No. 01-318
Unbundled Network Elements and	)	
Interconnection	)	
	)	
Performance Measurements and Reporting	)	
Requirements for Operations Support	)	CC Docket No. 98-56
Systems, Interconnection, and Operator	)	
Services and Directory Assistance	)	
	)	
Deployment of Wireline Services Offering	)	CC Docket No. 98-147
Advanced Telecommunications Capability	)	
	)	
Petition of Association for Local	)	
Telecommunications Services for Declaratory	)	CC Docket Nos. 98-147, 96-98, 98-141
Ruling	)	

**COMMENTS OF VARTEC TELECOM, INC.**

VarTec Telecom, Inc. (“VarTec”) hereby submits these comments in response to the Federal Communications Commission’s (the “Commission”) Notice of Proposed Rulemaking in the above-captioned docket seeking comments on its proposed national performance measurements for evaluating incumbent local exchange carriers’ (“ILECs”) performance in provisioning of facilities that are used by their carrier-customers to compete for end-user customers.<sup>1</sup>

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<sup>1</sup> *In the Matter of Performance Measurements and Standards for Unbundled Network Elements and Interconnection*, CC Docket No. 01-318 (2001). (“NPRM”)

## **I. Introduction**

VarTec, a UNE-P provider with operations in Texas, Kansas, Oklahoma, Missouri, Florida, North Carolina and Mississippi, supports the Commission's effort to adopt a core set of performance measures ("PMs") and believes that this will ensure that ILECs in all states are held to similar standards. VarTec believes that the Commission need not look far to find suitable PMs as various state commissions have created PMs which effectively address the key aspects of preordering, ordering, provisioning, and maintaining those facilities and services that are critically important to providing CLECs' the ability to effectively enter the local exchange market. VarTec does believe however, that regardless of the PMs adopted by the Commission, without adequate monitoring and aggressive enforcement with stiff penalties attached to any violations, little will be achieved by the adoption of these PMs by the Commission.

Further, while VarTec agrees with the Commission that developing a core set of national PMs should eliminate redundancies among state commissions, VarTec believes state commissions should continue to have the ability to adopt PMs outside these core areas in order to address specific issues raised by competitors in their respective states.

## **II. Performance Measurements and Standards**

### **A. General Issues**

Generally, VarTec believes that the bar should not be set at the lowest possible denominator when establishing standards and benchmarks for the various PMs. Rather; the benchmarks established by the Commission should ensure that competition is

progressing swiftly rather than cautiously. In addition, VarTec supports the PMs as proposed by the Commission. Below VarTec addresses additional PMs that would prove helpful to the Commission's analysis:

B. Measurements and Standards

1) *Pre-Ordering*

With regards to Pre-Ordering Measurements, VarTec has encountered numerous problems with pre-ordering information not being completely and/or accurately provided by the ILEC. For example, some ILECs do not show local freeze restrictions on the customer service record ("CSR"). This has the affect of slowing down the ordering process and preventing the CLEC from provisioning customers' orders timely. As such, the Commission should adopt a PM, which takes into account the ILEC's failure to provide complete and accurate information on the CSR.

2) *Provisioning Measurements*

VarTec believes that a PM should be adopted which measures the accuracy or efficacy of information being reported by the ILECs concerning provisioning and operational issues. For example, VarTec currently struggles to provision customers when VarTec requires the ILEC's work on-site at the customer premise. In this example, there are two orders, one for the network portion at the ILEC (i.e. toll file), and the other for the facility portion of the order. In some cases, the installer cannot complete the facility work and informs the ILEC order center. If the ILEC incorrectly updates the network portion of the order as completed, when the CLEC requests a revised due date for the facility portion, the CLEC is confronted with the time consuming task of canceling the toll file and resubmitting the order. Moreover, as discussed more fully below, the ILEC

benefits from a performance measurement perspective, since a true estimation of how long it takes to resolve the problem is not captured by the current PMs.

### *3) Maintenance and Repair Measurements*

VarTec also believes that there is a critical need for a measurement that truly captures whether a trouble ticket is resolved on the first ticket submitted. For example, currently, when a CLEC issues a trouble ticket for no dial tone, the ILEC might respond “no trouble found” and close the ticket within 24 hours with no confirmation from the CLEC or end user that the problem is resolved. The CLEC’s end user remains with no dial tone and the CLEC is forced to open a second ticket on the same issue with a new ticket number. This manipulates the accuracy of the measurement for fixing the problem in the first instance. VarTec believes that a business rule should be adopted which allows the same trouble ticket number to be re-opened within 72 hours (excluding weekends and holidays). Therefore, a true customer outage time can be measured for reporting purposes. Under current business practices, this information is not captured in the “repeat trouble ticket” measurement since this PM measures problems that reoccur rather than problems that were never resolved.

### *4) Account Team Performance*

VarTec also believes that some type of PM should be developed which measures the service provided to the CLEC by the ILEC’s account team. VarTec recognizes that this type of performance is difficult to quantify however, VarTec has experienced significant delays in obtaining information critical to its operations from ILEC subject matter experts (“SMEs”). ILEC account teams on many occasions have directed VarTec to persons within the ILEC organization with little or incomplete information to address

various issues or the account teams have been completely nonresponsive. VarTec strongly believes that a list of ILEC SMEs should be made publicly available and a PM created which measures how long it takes for the ILEC account team to address specific questions asked by their CLEC customers.

All of the problems addressed above threaten the ability of the CLEC to effectively compete. VarTec believes that measurements and penalty fees paid directly to the CLEC whose customer is negatively impacted by these activities would help to improve performance by ILECs

### **III.**

#### **Implementation, Reporting Procedures, Performance Evaluation And Statistical Issues**

VarTec believes that the administration, auditing and enforcement of any PMs adopted by the Commission will be the key to achieving the goals of nondiscriminatory access for CLECs as contemplated in the Telecommunications Act of 1996. VarTec believes that regardless of whether it is the Common Carrier Bureau staff or outside consultants reviewing ILEC reports of PMs, resources need to be dedicated to ensuring that the information and/or reports being provided by ILECs are accurate. VarTec does not believe however that competitors should be forced to pay for these competition improvements because ideally, these improvements should not be necessary as the status quo should be for ILECs to provide nondiscriminatory service to their CLEC customers. In addition, VarTec believes that the reports filed by the ILECs should be provided to all CLECs at the time of reporting to ensure accuracy and prevent misreporting.

Furthermore, VarTec believes that it is critical that workshops and timelines with frequent review of the adopted PMs be established in advance. Regardless of the detail

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and extensive input used to develop PMs, invariably with time, gaps in analysis or the ineffectiveness of various PMs are discovered. Thus, reoccurring reviews would be beneficial to ensure nondiscriminatory access to wholesale services provided by ILECs.

### **III.**

#### **Conclusion**

WHEREFORE, for the foregoing reasons, VarTec Telecom, Inc. respectfully requests the Commission's consideration of these comments as these matters will significantly impact VarTec Telecom, Inc.'s current business operations.

Respectfully submitted,

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